

A.S.A.P. A Systemic Approach for Perpetrators
WP 3: Testing of the operational protocol and elaboration of policy guidelines

D 3.4 – POLICY GUIDELINES
- Bulgaria -

Partner organizations: Association " Association NAIA"
Bulgarian Gender Research Foundation

March 2020

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1. FOREWORD

These Policy Guidelines have been developed within the framework of the A.S.A.P. Project - A Systemic Approach for Perpetrators, funded by the European's Union Rights, Equality and Citizenship Programme / 2014-2020 /. They bring together the experience and expertise of organizations across the European Union working for prevention and protection against domestic violence by providing victim support programmes and programmes for correction the behavior of the perpetrators.

The Guidelines present a universal and flexible model for sharing information, overall risk assessment, planning and monitoring of the effectiveness from the work with victims and perpetrators, taking into account the specific situation in different countries and in accordance with national legislation and regulations.

These Guidelines can serve as a basis for starting a debate between politicians, institutions and civil organizations in Bulgaria to improve legislation and improve policies against domestic violence.

2. INTRODUCTION

2.1 Definitions of violence

The definition of domestic violence is set out in the Law for protection against domestic violence (LPADV, 2005). Art. 2. Paragraph 1 of this Law provides that "Domestic violence is any act of physical, sexual, mental, emotional or economic violence, as well as the attempt of such violence, the forced restriction of privacy life, personal freedom and personal rights committed against persons in a family relationship, who are or have been in a family relationship or in actual spousal relationship. " Art. 2. Paragraph 2 adds that "Any domestic violence committed in his presence shall be considered as psychological and emotional violence against a child."

2.2 Legislation framework

National legislation

The Law for protection against domestic violence regulates the rights of victims of domestic violence, the protection measures and the procedure for implementing this measures. Apart from being a serious step towards harmonizing of Bulgaria's legislation with European human rights law, this special law is also accepted as recognizing the public importance of the problem and the commitment of the state to provide protection and support for victims of domestic violence.

The existence of specific legislation in the field sends the message that domestic violence is not a personal problem, there should be no public tolerance for it, and the protection of victims' rights is a priority of state authorities.

The basic principles on which the Law for protection against domestic violence is built are: rapidity and even urgency of protection; instant separation of the abuser from the victims; a variety of safe measures; combining judicial protection with social protection and rehabilitation measures; cooperation between public authorities and the non-governmental sector.

Based on the made monitoring, at the end of 2009, about the implementation of the Law in the first years of its adoption, it underwent significant changes in order to better guarantee the protection of victims, to improve prevention and to financially secure the implementation of the Law.

According to the provisions of the Law for protection against domestic violence, the state "creates conditions for the implementation of Programmes for prevention and protection against domestic violence and Programmes providing assistance to victims". In 2010, by a decree of the Council of Ministers, the Rules for Implementation of the Law for protection against domestic violence was adopted, which regulates the implementation of the protection measures, interaction between state authorities and organizations that support victims and deal with perpetrators of domestic violence. Each year, the Council of Ministers adopts a National Programme for Prevention and Protection against Domestic Violence, which pays special attention to providing accessible and quality social services for victims, work for correcting the behavior of perpetrators of domestic violence, training programmes for children and young people, capacity building of professionals from institutions, monitoring and evaluation of policies in the field of protection against domestic violence.

International law

According to Article 5 para 4 of the Constitution of RBulgaria, the international treaties to which the country has adhered make integral part of domestic law and prevail upon national provisions are in contradiction to them.

One of this international treaties that was ratified by Bulgaria in 1982 is the ***Convention for the Elimination of all forms of Discrimination against Women/ CEDAW/***. According to Article 1 and Article 5 the State parties are obliged to take all necessary measures to eliminate discrimination, including violence against women as one of the most severe forms of discrimination against women. Article 5 obliges the states also to tackle, through all means, harmful gender stereotypes that make the basis for subordination and discrimination of women.

2.3 Background/context

The Programmes for support of victims of domestic violence and the Programmes for work with perpetrators of domestic violence in Bulgaria are part of the protection measures, set in Art.5 of the Law for protection against domestic violence:

1. obliges the perpetrator to refrain from committing domestic violence;
2. remove the perpetrator from the jointly occupied dwelling within the time limit set by the court;
3. prohibition of the perpetrator from approaching the victim, the place of residence of the victim, work place and places for social contact and relax of the victim under conditions and time limits set by the court;
4. temporary determination of the child's residence with the suffered parent or with the parent who did not commit the violence, under conditions and time-limits set by the court, if this does not contravene the interests of the child;
- 5. obliging the perpetrator of the violence to attend specialized programmes;**
- 6. referring victims to recovery programmes.**

Support Programmes for victims of domestic violence and Programmes for work with perpetrators of domestic violence in Bulgaria do not develop in parallel. In the country, rehabilitation services for victims, mainly performed by non-governmental organizations, were first launched. By expanding and improving the forms of support for victims, these very same organizations, driven by the need to provide better protection for victims and prevent relapses against them, launched the first Programmes for dealing with perpetrators of domestic violence.

Although there is a number of challenges regarding the funding, the lack and uneven territorial distribution of victim services, methodologically their work is much better set and regulated at national and regional level than the programmes for work with perpetrators of domestic violence, where uniform common standards are missing. There is a number of limitations to the interinstitutional work in the Programmes for work with perpetrators of domestic violence, as they are assumed to be the responsibility of NGO providers only. This does not allow the full mobilization and pooling of resources of all stakeholders in order to guarantee in fullest the safety of the victim and prevent relapses of violence. The need for clear regulations and procedures for cooperation at national level is identified, because when those are available, on-site interaction is easier and benefits.

3. SCOPE OF THE GUIDELINES

The Policy guidelines aim to propose a model for interinstitutional cooperation with the participation of Programmes for support of victims and Programmes for work with perpetrators of domestic violence and all institutions involved in the topic, for ensuring the safety of victims of domestic violence through:

- Cooperation and coordinated interventions;



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- Developing institutional agreements;
- Capacity building for professionals on issues connected with domestic violence;
- Improved interventions and follow-up on domestic violence;
- A better understanding of the specifics of domestic violence.

The guidelines provide a methodological framework and practical tools that can be used by national authorities for improvement of the existing policies in the field of protection against domestic violence. These include base lines that imply development and extension with specific regulations and standards for cooperation. It is advisable to involve all stakeholders in the consultation and debate process - the Ministry of Justice, the Ministry of the Interior, the Ministry of Labor and Social Policy, the National Association of Municipalities, organizations and networks of civic organizations working against domestic violence.

4. POLICY RECCOMENDATIONS

4.1 THE "ASAP" MODEL

4.1.1 Focus on the safety of victims

The ASAP Model is primarily focused on ensuring the safety of victims of domestic violence and preventing new violations against them. It is based on the following theoretical understanding:

- Violence against women, children and men is unacceptable and is a rough violation of human rights.
- First and foremost must be put the safety of the victims. Then the perpetrator of domestic violence must be restrained, forced to bear responsibility for his behavior, and forced to change his behavior.
- Domestic violence is a violence that affects women in greater extent. Domestic violence is not a matter of class, race or socio-economic status. It is a problem of inequality between women and men.
- Defining the phenomenon of "domestic violence" through power and control mechanisms. Domestic violence is not an isolated, individual event, but rather a pattern of repetitive behavior. Violence against women is the result of historically unequal power relations between men and women. Violence against women is one of the main social mechanisms through which women are put in a subordinate position towards men.
- Violence is a learned behavior that can be changed. Domestic violence is a learned and socially acceptable behavior - it is learned through observation, experience and implementation. Abusers need to be aware that with this behavior they are causing suffering of their loved ones and harm themselves also.

4.1.2 Interagency collaboration

Even since its design phase, the goal of the ASAP project has always been the study of an integrated collaboration model.

The analysis of the European and National theoretical corpus and the following field practical experience, has confirmed that the main issues in this area are:

- a. the lack of adequate cooperation between government services, authorities and organizations that deal with gender-based violence.
- b. the inadequate cooperation and exchange of good practices between Programmes for perpetrators and support services for victims (both women and children).

Consequently, the "integrated community response" is the methodological base for all the activities set out by the ASAP protocol. The "integrated community response" takes into account the relationship between the victims, the perpetrators and their wider social environment, implementing a working methodology ("operational Protocol") based on the cooperation between all the subjects involved in the prevention and combating of gender-based violence.

Therefore, the "Operational Protocol" provides a toolkit aimed at implementing a systemic collaboration between support services for victims and the services for perpetrators. Where possible, this collaboration needs to be extended to other local agencies and institutions such as, for example, children protection services, Social Services, Law Enforcement etc ...

Each step, action and cooperation between the Services and Agencies in question must remember the focus of the protection of victims of violence, both direct and assisted, as referred to in the previous paragraph of this document.

Specifically, the ASAP protocol provides that the collaboration between Support Services for victims and programmes for perpetrators, needs to be implemented in cases in which both members of the couple (or ex couple) are attending a programme (respectively for Victims and for perpetrators) especially where it is considered a high-risk situation.

The collaboration and exchange of information between different Services must be explicitly detailed in all privacy authorizations, in compliance with the GDPR and with the relevant measures for the protection of personal data,

The cooperation between the Services and agencies involved is divided into two phases:

Phase 1: meeting between the full teams of the services/agencies involved, in order to acquire a mutual knowledge of working methodologies, in a relationship of mutual trust.

Phase 2: meetings between the representatives of each service / institution involved every at fixed intervals, until both members of the couple attend their respective programme. In each of the meetings, the case managers of the collaborating services will discuss, on the following elements: **joint risk assessment** carried out through the specific checklist "RISK INDICATORS

IN MALTREATMENT SITUATIONS" , **Assessment of recidivism** by comparing the episodes of recidivism reported respectively by the perpetrator and the victim, and recorded in a specific tool , **Measurement of individual change** through the periodical administration of the IMPACT questionnaire to both the perpetrator and the victim, to assess individual change throughout the different phases of their mutual paths **Measurement of others qualitative elements** , that is the discussion of other non-objective factors that constitute a perceived danger to the victim.

Besides the programmed meetings, informal contacts (by phone or e-mail) between the case managers are encouraged in case of critical events (significant changes within the life-cycle of couple/family – e.g. births, deaths, separation, divorce -, recidivism, especially about physical violence or serious threats; escalation; Court orders regarding children; will of the woman to split up; actions taken by judicial system; modifications in the legal procedure) for which the reassessment of risk is necessary.

4.1.3 Assessment of risk

The high level of lethality and the impact in terms of physical and psychological effects that violence has on the victims, require that any prevention and combating intervention carried out considers the need for an accurate and objective risk assessment. WWP guidelines state that *“Risk assessment and management should be undertaken and documented at intake, then at set times during the programme and whenever the perpetrator’s behavior or situation indicates a possible change in risk”*

The assessment of risk must then take into consideration the following elements:

- the assessment needs to be repeated periodically, taking into account the changes that may have occurred in the specific situation of violence and mistreatment, the stress factors that are strongly correlated to the increase of the level of risk (e.g. separation, job loss) and / or the presence of elements of comorbidity (e.g. use of legal or illegal substances);
- the assessment needs to be carried out jointly by all the public and private subjects involved in the case;
- the assessment needs to be carried out through objective tools, whose validity and basis are recognized, and which refer to international recommendations on the matter.

the ASAP "operational protocol" sets the joint risk assessment as one of the compulsory topics to be discussed during the meetings of its **“Phase 2”**.

The protocol recommends that the assessment of risk is carried out both through an objective instrument (the checklist for the assessment of risk in maltreatment situations) and through the analysis of other qualitative elements, such as a subjective perception of risk that arises from the direct work with both the victim and the perpetrator.

4.1.4 Instruments for the assessment of change

The assessment of change in the attitude and behaviour of perpetrators of violence is a very critical aspect, because it is related to both the effectiveness of the programme for perpetrators and the reduction of the risk for the victims.

It is certainly one of the aspects on which there is no univocal reference between the Programs and on which the Programs themselves have been called several times to respond.

The ASAP protocol includes the **IMPACT questionnaires** created as part of a "Daphne" project by WWP-EN, as a specific tool for the assessment of individual change.

The administration of the IMPACT questionnaires takes place, both for the perpetrator and for the victim, in five different phases of the Program, with variable times and compatible with the different duration of the Programs for authors operating in the different Countries (indicatively at the beginning, twice in the intermediate phase, at the end of the Program and in conjunction with any follow-up).

In the case of partners, the questionnaire can be administered by the operators of the Victim Service or by the operator of the Program for perpetrators in charge of the so-called "partner contacts" (if provided).

4.1.5 Excellence of the model/protocol

The ASAP model has proven to be effective on the main following aspects:

1. Strengthening and standardizing the **inter-agency cooperation**, by formalizing some preexisting informal collaborations.

a. Results showed that case managers have stated that the protocol is a **clear and simple tool**, easy to use and does not burden consultant with additional administrative work. As reflected by one of the ASAP partners: *"Its testing in the organization has expanded the scope and systematization of the team meetings of the counselors from the Programme for work with victims of domestic violence and the Programme for work with perpetrators of domestic violence, which have been conducted so far."* It has been highly valued the fact the protocol provides the opportunity to meet in person, within scheduled meetings.

b. Results on the cooperation between both programmes (perpetrators' programs and victims' services), workers reflect that it has clearly improved, indicating that the participants in the work meetings assess the implementation of the Operational Protocol as a benefit for **facilitating the joint work** on the cases. As stated by one of the ASAP partners: *"the participants were positive that it (the protocol) helps them in their daily work. The greatest benefits from its implementation were improving the protection of victims and minimizing the risk of recidivism."*

2. Definition of **key topics** to be discussed during the meetings, with defined yet tailorable methodology and structure.

a. The clear **structure** of the Protocol also proved to be useful for the workers, and its benefits for structuring and framing the interaction between the two programme managers have also been stated. As stated by one ASAP partner: *“A clearer structure of these work meetings has been introduced, both in terms of timing (at the beginning, in the middle and at the end of the Programme) and of thematic focus.”*

b. Moreover, results showed that the protocol is **flexible** enough to be adapted to different contexts, countries, types of organizations and types of perpetrators and victims. As one of the ASAP partners has mentioned: *“The Protocol has a flexible structure that allows it to be applied to all cases with which the organization works, taking into account their specificity. It can be used with different clients of the Programme for work with perpetrators of domestic violence and their partners, regardless of their age, place of residence, professional engagement, income, etc. During the testing, the Protocol was applied to clients living in the regional town. and in those from small and remote settlements. Its universal structure allowed to be used in mobile work on place in the remote reception rooms. It was applied in 3 cases to clients from small settlements. This is a positive side of the Protocol, which allows it to be fully integrated into the operational procedures of the Programme for work with victims of domestic violence and the Programme for work with perpetrators of domestic violence.”*

3. Standardization of the use of the tools described in the protocol, that have proven to be objective **tools for the assessment of change and risk**. These tools also make it possible to compare assessments that would otherwise be subjective because based on the personal perceptions of the beneficiaries (perpetrators and victims) and of the professionals working with them.

a. Within this context, results have shown that within Phase 2 usually some differences emerge between the risk assessment of the two case managers (from the perpetrators and the victims' side). As one ASAP partner reflects on: *“The changes in the perpetrators' behaviors are perceived differently on the two sides, and this leads to different assessments of risk (lower for perpetrators programmes, higher for support centers for victims).”*

b. Moreover, results stated that the risk assessment has also proven to be very helpful for **monitoring the well-being of children**, which beforehand tended to occupy second place to the discussion on the safety of women; as referred by one ASAP partner: *“In particular, the specific items related to minors are to be considered very useful to monitor the well-being and vulnerability of the small protagonists of the scene”.*

4. Expand the inter-agency cooperation towards **cooperation among different key institutions**, rather than solely between the perpetrators' programmes and victims' services.

a. Results showed that in some of the cases in which the case managers views were quite different, the case managers decided to contact other territorial services involved in the case in order to **confront and discuss** the situation with other professionals and make a thorough evaluation of risk. Therefore, the fact of having this joint risk assessment has been very helpful for obtaining a more objective and integrated evaluation of the risk situation, and not to rely only on what the perpetrators refer (in the case of the case manager of the perpetrator):

As one of the ASAP partners has mentioned: *“The Protocol has the positive side that it recognizes the importance of interinstitutional work of domestic violence. The involvement of other institutions, such as police, social services, child protection services, helps to work together and offer coordinated protection.”*

4.2 RECOMMENDATIONS

4.2.1 Improving policies at national level

- Elaboration of national rules for interaction between NGOs, Police, Prosecutor's Office and the Court when applying of Art. 5, para 1, item 5 from the Law for Protection against Domestic Violence - “obliging the perpetrator of violence to attend specialized programs”. The effectiveness of this measure requires other institutions other than the non-profit legal entity providing the Program to be involved in its implementation and monitoring.
- Including in the next National Programme for Prevention and Protection against Domestic Violence as a priority promoting cooperation between Support programmes for victims, Programmes for work with perpetrators and institutions dealing with domestic violence. Providing project funding from the Ministry of Justice for collecting and analyzing information on the topic, identifying of good practices, developing tools for cross-sectoral cooperation, monitoring and evaluation.
- Developing minimum standards and methodological framework for Programmes for work with perpetrators of domestic violence and a national regulation for their implementation in premises provided by the Police or Courts / Prosecutor's Offices, in order to strengthen the element of respect and ensure sustainability of activities. Providing ongoing funding for Programmes for work with perpetrators of domestic violence beyond the ongoing term projects.
- Introducing specific Methodology for counseling victims of domestic violence, instead of the current methodology for Center for Social Rehabilitation and Integration (which is more relevant for the target group - people with disabilities), in order to reflect the specific needs of the victims and to receive adequate assistance.
- Increasing the professional competence of police officers, social workers, judges, prosecutors, doctors, teachers on the phenomena of "violence against women, domestic violence and violence in intimate relations" in order to increase their awareness of the specific manifestations of domestic violence and the consequences for the victims.

- Developing and implementing a reliable toolkit for evaluating the effectiveness of the Programmes for support of victims and Programmes for work with perpetrators of domestic violence. Regular national monitoring, covering all aspects and all stakeholders, in order to plan common solutions and implementing a comprehensive coordinated policy against domestic violence.

- To be completed the Law on Protection against Domestic Violence in Article 5, Paragraph 1, Item 5 - "Obligation of the perpetrator of the violence to attend specialized programmes", specifying the mandatory duration of the specialized programme.

- To be completed the Regulations for Implementation of the Law for protection against domestic violence in Section II. "Implementation of measures for protection against domestic violence", Art. 10, stating exactly what is considered to be a violation of the measure for protection under Article 5, Paragraph 1, Item 5 of the Law for protection against domestic violence - "obliging the perpetrator of the violence to attend specialized programmes".

- Implement the General Recommendations/GRs/ adopted by the Committee under the Convention /the CEDAW Committee/. The CEDAW Committee reiterated its recommendations to the government of Bulgaria in the field of violence against women and combating gender stereotyping in its most recent Concluding observations on the eighth periodic report of Bulgaria, issued on 2d March 2020.

- To adopt and implement effective legislative and other appropriate preventive **measures to address the underlying causes of gender-based violence against women, including patriarchal attitudes and stereotypes**, inequality in the family and the neglect or denial of women's civil, political, economic, social and cultural rights, and to promote the empowerment, agency and voices of women,

- To ensure **education targeted at stereotyped gender roles and promote the values of gender equality and non-discrimination, including non-violent masculinities**,

- To ensure awareness-raising programmes that **promote an understanding of gender-based violence against women as unacceptable and harmful**, provide information about available legal recourses against it and encourage the reporting of such violence and the intervention of bystanders; address the stigma experienced by victims/survivors of such violence; and dismantle the commonly held victim-blaming beliefs under which women are responsible for their own safety and for the violence that they suffer. **The programmes should target women and men at all levels of society; education, health, social services** and law enforcement personnel and other professionals and agencies, including at the local level, involved in prevention and protection responses; traditional and religious leaders; and **perpetrators of any form of gender-based violence, so as to prevent repeat offending.**

4.2.2 Policies at regional/local level

- Overcoming the regional disparity in the provision of Programmes for support of victims and Programmes for work with perpetrators by opening new ones. Encouraging the mobility



of these Programmes so that they can reach the small and remote settlements through remote reception rooms.

- Signing local Protocols between all stakeholder for interaction on domestic violence cases, in order to have clear rules, specific commitments and distribution of responsibilities. Involvement of all stakeholders in risk assessment, information sharing and planning of common interventions for protection and support for victims of domestic violence.

5. CONCLUSIONS

It is widely acknowledged that the European Commission is making efforts towards strengthening cooperation between victims' programmes and perpetrators' programmes, and towards promoting multi-agency cooperation in the field of domestic violence.

Within this context, we hope that the European Commission will foster recommendations for establishing this cooperation at the local, regional, and European level, by including the ASAP Protocol as one simple and helpful tool. Moreover, we also hope that results from this project help harmonizing the European level discrepancies on how should the interagency cooperation take place, and that it helps fostering the implementation of the Istanbul Convention.